



Luann G. Welmer, Clerk-Treasurer

**CITY COUNCIL MEETING
CAL BRAND MEETING ROOM
TUESDAY, OCTOBER 21, 2014
6:00 O'CLOCK P.M.**

I. Meeting Called to Order

- A. Opening Prayer
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

II. Unfinished Business Requiring Council Action

- A. Second Reading of an Ordinance entitled "ORDINANCE NO.____, 2014, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM "RE/MX-OL" (RESIDENTIAL: ESTABLISHED/MIXED DENSITY OVERLAY) TO "RE" (RESIDENTIAL: ESTABLISHED)." (Downtown Columbus Historic District Rezoning). Jeff Bergman
- B. Second Reading of an Ordinance entitled "ORDINANCE NO.____, 2014, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, DESIGNATING A CERTAIN AREA WITHIN THE CITY OF COLUMBUS, INDIANA, AS AN ECONOMIC DEVELOPMENT TARGET AREA." Carl Malysz
- C. Second Reading of an Ordinance entitled "ORDINANCE NO.____, 2014, AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE BUDGET YEAR 2014." (Aviation Fund). Brian Payne
- D. Second Reading of an Ordinance entitled "ORDINANCE NO.____, 2014, AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES FOR 2015." Matt Caldwell

- E. Second Reading of an Ordinance entitled "ORDINANCE NO.____, 2014, AN ORDINANCE FIXING SALARIES AND WAGES OF OFFICERS AND EMPLOYEES OF THE CITY OF COLUMBUS, INDIANA FOR CALENDAR YEAR 2015." Matt Caldwell
- F. Second Reading of an Ordinance entitled "ORDINANCE NO.____, 2014, AN ORDINANCE SETTING THE SALARIES OF ELECTED OFFICIALS FOR THE YEAR 2015." Jeff Logston
- G. Reading of a Resolution entitled RESOLUTION NO.____, 2014, A RESOLUTION TO AUTHORIZE THE CITY OF COLUMBUS REDEVELOPMENT COMMISSION TO EXPEND FUNDS IN EXCESS OF \$500,000 FOR ENGINEERING AND DESIGN WORK FOR STATE STREET CORRIDOR REVITALIZATION PHASE 1." As tabled from September 16, 2014. Heather Pope

III. New Business Requiring Council Action

- A. Reading of a Resolution entitled "RESOLUTION NO.____, 2014, A RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK-TREASURER TO EXECUTE STATEMENT OF BENEFIT FORMS IN CONJUNCTION WITH AN APPLICATION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1-7." (Kroger Company) Carl Malysz
- B. First Reading of an Ordinance entitled "ORDINANCE NO.____, 2014, AN ORDINANCE ADOPTING UPDATED FLOOD INSURANCE RATE MAPS AND AMENDING THE FLOOD HAZARD AREA STANDARDS OF THE COLUMBUS & BARTHOLOMEW COUNTY ZONING ORDINANCE FOR THE JURISDICTION OF THE CITY OF COLUMBUS." Jeff Bergman
- C. Reading of a Resolution entitled "RESOLUTION NO.____, 2014, A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS TO AMEND SPECIFIC CAPITAL IMPROVEMENT PROJECTS AS THE AMENDED 2014 CAPITAL BUDGET FOR PARKS AND RECREATION." Matt Caldwell

IV. Other Business

- A. Standing Committee and Liaison Reports
- B. Discussion Item:
 - 1.) Airport Land Purchase
- C. The next regular meeting is scheduled for Wednesday, **November 5, 2014, 6:00 p.m. in City Hall.**
- D. Adjournment

MEMORANDUM

TO: Members of Common Council
CC: Kristen Brown, Mayor; Jeff Logston, City Attorney; and Clark Greiner, Community Development
FROM: Carl Malysz, Community Development
RE: Tuesday, October 21, 2014 Common Council Meeting at 6:00p.m.
Kroger Company Tax Abatement Request
DATE: October 14, 2014

The Common Council will meet in the Council Chambers at **6:00 p.m. on Tuesday, October 21, 2014** to review the following additional request:

Kroger Limited Partnership I, requests Real Property Tax Abatement to purchase the former-Hostess Bakery facilities and grounds (Flowers Baking Co of Columbus LLC) located at 3060 National Road and develop a new *Marketplace Store* in a previously designated Economic Revitalization Area (6-1991).

A total of \$_____ will be invested in this project: \$_____ for acquisition; \$_____ for site preparation and demolition of the current vacant buildings (demolition alone is expected to cost from \$_____); \$_____ in construction of a new 123,000 building and related facilities; and \$_____ in new fixtures, equipment and soft costs.

As a result of this project, a significant vacant/abandoned/blighted property on a major commercial corridor in Columbus will be redeveloped. Also, this project will retain 138 existing jobs and 104 additional new jobs will be added for a total of 242 jobs with an average hourly rate of \$13.72 per hour.

(Note: The Tax Abatement Resolution is included it must be considered ONLY AFTER an EDTA Ordinance is passed after the second reading.)

This proposed tax abatement request is unusual for several reasons:

1. The request will support the redevelopment of a vacant/abandoned/blighted property for a commercial development, specifically a retail grocery store.
2. The Indiana Code permits such tax abatements; however; other preparatory step be undertaken in accordance to Indiana State Statues. The first step; passage of an Economic Development Target Area (EDTA) Ordinance (requires 2 readings and passage) and review and recommendation by the Economic Development Commission (EDC). In which case; the Commission convened September 29, 2014 and recommended the adoption of the EDTA for the parcel of property known as; 3060 National Road, Columbus, Indiana.

3. The Economic Development Commission concluded that the tax abatement is necessary to incentivize the project and assured that no more than 15% of the total land area of the City of Columbus contains the EDTA designation. That is the limit the State of Indiana has placed on the use of tax abatement to incentivize commercial development.
4. An EDTA Ordinance must be adopted during the second reading by the Common Council scheduled for October 21, 2014 and **prior to** acting upon the specific Tax Abatement Resolution request. The EDTA Ordinance's first reading and initial approval by the Common Council was October 7, 2014.
5. The Tax Abatement Application and Resolution is being introduced for consideration by the IRC and the Common Council on October 21st, 2014 during the Common Council Hearing at 6:00 pm in Council Chambers
6. Currently there are only two other EDTAs that have been approved elsewhere within the City of Columbus and they affect a very tiny portion of the current land mass of Columbus. These include the EDTAs for the Downtown Jackson/Washington/Franklin Street corridor (running roughly from Second Street to Eleventh Street) which was approved in 1994 and the EDTA approved for the parcels located at the southeast corner of Lafayette and Second Streets which was planned as the site for the ill-fated Indoor Recreation facility and established circa 2007.
7. The City of Columbus has rarely granted property tax abatement for commercial or retail development/redevelopment projects. The subject property is located on a commercial/travel (U.S. 31) corridor within the City which is a prime location for a major grocery store. An Economic Revitalization Area was established for the subject property in the 1990s to stimulate the site's redevelopment. Obviously, that has not successfully occurred, given the current status of the site which is a vacant, obsolete industrial facility. The Plan Commission and the Common Council recently rezoned the subject property for commercial purposes at the request of the Kroger Company. The Kroger Company is now requesting property tax abatement to offset the extraordinary expenses that will incur to redevelop the site as a retail grocery/concept store. The IRC and the Common Council should evaluate the factual basis of the proposal and the specific tax abatement "ask" to determine if and how much of a tax abatement is warranted to support the proposed redevelopment project.

Kroger Company reps and the Community Development Staff will be on hand at the IRC and Common Council meeting to answer questions that you may have. In the meantime, please contact me if you have any questions at the Community Development Office at (812) 376-2520.

Thank you for your consideration.

Exhibit B

J-310 Marketplace Store

Job description by Department	FT	PT	Total	AHR
FUEL CENTER/CLERK		4	4	
FUEL CENTER/LEAD CLERK	1		1	
FUEL CENTER/MANAGER	1		1	
Fuel Total	2	4	6	
NUTRITION/LEAD CLERK	1		1	
Natural Foods Total	1	0	1	
BAKERY/QUAL CAKE DECORATOR	1		1	
DELI/CLERK	16	21	37	
DELI/COFFEE SHOP CLERK		5	5	
DELI/COFFEE SHOP LEAD	1		1	
DELI/DEPARTMENT HEAD	1		1	
DELI/DEPT HEAD-ASST	3		3	
DELI/EXECUTIVE CHEF	1	0	1	
STORE/CHEF	2	3	5	
Deli / Bakery Total	23	29	54	
DRUG/CLERKS	4	16	20	
DRUG-GEN MOSE/DEPARTMENT HEAD	1		1	
QUAL DRUG GM LEAD	1		1	
Drug/GM Total	6	16	23	
FROZEN FOOD/DEPARTMENT MANAGER	1		1	
GROCERY/ASSISTANT MGR-NIGHTS	2		2	
GROCERY/CLERK	14	14	28	
GROCERY/DEPARTMENT HEAD	2		2	
LEAD/SCAN INTEGRITY COORDINATO	1		1	
DAIRY DEPARTMENT MANAGER	1		1	
HOME LEAD SCAN	1		1	
Grocery Total	22	14	36	
EXPERIENCED/MEAT CLERK	4		4	
MEAT/CLERK	0	11	11	
MEAT/DEPARTMENT HEAD	1		1	
MEAT/DEPT HEAD-ASST	1		1	
Meat / Seafood Total	6	11	17	
FLORAL/LEAD CLERK	1		1	
PRODUCE/CLERK	10	10	20	
PRODUCE/DEPARTMENT HEAD	1		1	
PRODUCE/DEPT HEAD-ASST	2		2	
Produce Total	14	10	24	
FRONT END/BAGGER	5	29	34	
FRONT END/CLERK	18	28	46	
FRONT END/DEPARTMENT HEAD	1		1	
FRONT END/DEPT HEAD-ASST	1		1	
Front End Total	25	57	82	
Approximate Store Total	101	141	242	\$13.72

Department Clerks	212
Department Lead/Assistant Heads	20
Department Heads	10
Store Management	5
Total	242

Department Clerks	196
Department Lead/Assistant Heads	37
Department Heads	7
Store Management	1



11.5 Acres



Central Avenue

National Road

27th Street



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R5 / 12-13)

Prescribed by the Department of Local Government Finance

20__ PAY 20__

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Kroger Limited Partnership I					
Address of taxpayer (number and street, city, state, and ZIP code) 1014 Vine St., Cincinnati, OH 45202					
Name of contact person Rita Williams		Telephone number (513) 762-1425		E-mail address rita.williams@kroger.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body City of Columbus, Indiana		Resolution number			
Location of property 3060 N National Road		County Bartholomew		DLGF taxing district number 005	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Purchase of land and building for \$; Demolition of current vacant structure and other site improvements for \$; Construction of new 123,000 square foot grocery store for \$ and an additional \$ investment in fixtures and equipment and soft costs.		Estimated start date (month, day, year) 11/1/2014		Estimated completion date (month, day, year) 4/1/2016	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current number 138	Salaries \$2,700,000	Number retained 138	Salaries \$2,700,000	Number additional 104	Salaries \$1,400,000
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		N/A		\$1,872,300	
Plus estimated values of proposed project		\$:		TBD	
Less values of any property being replaced		N/A		TBD	
Net estimated values upon completion of project		TBD		TBD	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____			
Other benefits The new Marketplace Store will generate significant new job opportunities, new healthy food products, new food and consumer product choices for Kroger's valued customers in the Columbus area. The project will utilize a currently blighted and vacant manufacturing site.					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative Kroger Limited Partnership I By: KRGP Inc. its general partner By:		Date signed (month, day, year) 10-14-14			
Printed name of authorized representative Rick S Landrum		Title Vice President			



FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed 10 calendar years* (*see below*). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements ☐ Yes ☐ No
 2. Residentially distressed areas ☐ Yes ☐ No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (*specify*) _____
- E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* *see below*)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☒ Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☒ Yes ☐ No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)
Printed name of authorized member of designating body	Name of designating body	
Attested by (<i>signature and title of attester</i>)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4-1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
 - (2) The number of new full-time equivalent jobs created.
 - (3) The average wage of the new employees compared to the state minimum wage.
 - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

RESOLUTION NO. ____, 2014

RESOLUTION AUTHORIZING THE MAYOR AND
THE CLERK-TREASURER TO EXECUTE STATEMENT
OF BENEFIT FORMS IN CONJUNCTION WITH
AN APPLICATION FOR TAX ABATEMENT IN
A PREVIOUSLY DESIGNATED ECONOMIC
REVITALIZATION AREA PURSUANT
TO INDIANA CODE 6-1.1-12.1-7

WHEREAS, the Common Council of the City of Columbus, Indiana, has previously designated, through various prior resolutions and ordinances, certain portions of and properties within the City of Columbus, Indiana, as economic revitalization areas and economic development target areas as contemplated pursuant to **INDIANA CODE 6-1.1-12.1-7**; and

WHEREAS, **INDIANA CODE 6-1.1-12.1-1, et seq.** authorizes that the Common Council of the City of Columbus, Indiana, may approve the statement of benefits forms associated with the application in conjunction with personal and real property tax abatement for properties and projects located in previously designated as an economic revitalization areas and economic development target areas; and

WHEREAS, **Kroger Limited Partnership I**, desires and seeks a property tax abatement for the redevelopment or rehabilitation of real property as contemplated by **INDIANA CODE 6-1.1-12.1-7**; and

WHEREAS, the Common Council of the City of Columbus, Indiana, finds that:

- a. The estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature;
- b. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property;
- c. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property;
- d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property;
- e. The deduction allowed for real property pursuant to **INDIANA CODE 6-1.1-12.1-4** shall be allowed for 10 years, with the percentage set forth as defined in the attached tax abatement schedule;

f. The totality of the extraordinary expenses and economic benefits associated with the project is sufficient to justify the deduction as set forth in "e.", above; and

WHEREAS, the Common Council of the City of Columbus, Indiana, deems it to be in the best interest of the City of Columbus, Indiana, in order to stimulate economic development and provide for additional jobs, that such real property tax abatement be granted; and

WHEREAS, Kroger Limited Partnership I, has submitted for purposes of review by the Common Council of the City of Columbus, Indiana, a statement of benefits form, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Columbus, Indiana, that:

1. The Common Council of the City of Columbus, Indiana, finds that:

a. The estimate of the value of the proposed redevelopment or rehabilitation is reasonable for projects of that nature; and

b. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property;

c. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property;

d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property;

e. The deduction allowed for real property pursuant to **INDIANA CODE 6-1.1-12.1-4** shall be allowed for 10 years, with the percentage set forth as defined in the attached tax abatement schedule;

f. The totality of the extraordinary expenses and economic benefits associated with the project is sufficient to justify the deduction as set forth in "e.", above;

2. The Mayor of the City of Columbus, Indiana, and the Clerk-Treasurer of the City of Columbus, Indiana are hereby authorized by the Common Council of the City of Columbus, Indiana, to execute the statement of benefit form attached hereto as Exhibit A for purposes of facilitating the real property tax abatement of the applicant herein.

Resolution No. ___, 2014

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ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA, on this ____
day of October 2014, by a vote of ____ ayes and ____ nays.

Presiding Officer of the
Common Council

ATTEST:

Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana, this ____ day
of October 2014 at ____ o'clock ____ .M.

Clerk-Treasurer

Approved and signed by me this ____ day of October 2014, at
____ o'clock ____ .M.

Mayor of the City of
Columbus, Indiana



MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman
on behalf of the Columbus Plan Commission

DATE: October 14, 2014

RE: Columbus Flood Hazard Area Regulation Updates

At its October 8, 2014 meeting the Columbus Plan Commission forwarded to the City Council a unanimous favorable recommendation on the adoption of revisions to the Flood Hazard Area regulations in the Columbus Zoning Ordinance. These revisions are mandated by the Federal Emergency Management Agency (FEMA) and the Indiana Department of Natural Resources (IDNR) as part of the City's participation in the National Flood Insurance program. They are the result of both (1) FEMA's development of replacement flood hazard area maps which must be incorporated by reference into our local regulations and (2) updates to the IDNR-adopted model flood hazard area regulations.

FEMA has been in the process of updating flood hazard area maps in Indiana for many years as part of a nation-wide effort. The process of finalizing the updated maps for Columbus began on September 28, 2011 when FEMA provided the City with preliminary copies of the updates. IDNR subsequently sent letters and brochures to over 3,000 Bartholomew County property owners who would potentially be affected by changes to the maps. The letter invited these property owners to a January 5, 2012 public open house, which was held at Columbus City Hall. The open house provided the public with an opportunity to review and comment on the preliminary maps. FEMA now considers the public input period to be complete and has made any needed corrections to the maps based on that input. FEMA has mandated that the replacement maps be adopted locally by no later than December 9, 2014.

IDNR serves as FEMA's agent in Indiana. In addition to their involvement in the flood hazard area map updates, IDNR also maintains the accompanying minimum standards for local floodplain development regulations. IDNR adopted a new model floodplain regulation ordinance in 2013 and is recommending that local communities incorporate that new model in their replacement map adoption process. These text changes do not result in any significant regulatory changes, but rather provide clarifications and incorporate new terms.

The following items are attached for your review:

1. the proposed ordinance adopting the revisions,
2. the resolution certifying the action of the Plan Commission, and
3. a marked-up Section 4.7 (Flood Hazard Area) from the Columbus Zoning Ordinance indicating the proposed revisions (in red).

Please let me know if you have any questions.

ORDINANCE NO.: _____, 2014

**AN ORDINANCE ADOPTING UPDATED FLOOD INSURANCE RATE MAPS AND
AMENDING THE FLOOD HAZARD AREA STANDARDS OF THE COLUMBUS &
BARTHOLOMEW COUNTY ZONING ORDINANCE FOR THE JURISDICTION OF THE CITY
OF COLUMBUS**

**Favorably Recommended by
Columbus Plan Commission General Resolution 2014-03**

WHEREAS, on March 18, 2008 the Columbus Common Council passed Ordinance No. 13, 2008 adopting a replacement zoning ordinance, including zoning maps, for the jurisdiction of the City of Columbus; and

WHEREAS, the replacement zoning ordinance also includes the flood hazard area standards for the community; and

WHEREAS, since that ordinance's effective date of April 3, 2008 its effectiveness, legality, and clarity have been subject to regular and on-going review by the Columbus Plan Commission and its professional staff; and

WHEREAS, this review of the zoning ordinance is both an expected and planned component of its administration and is necessary for the ordinance's long-term maintenance and relevance; and

WHEREAS, the Federal Emergency Management Agency has issued a final flood hazard determination for Bartholomew County and all Incorporated Areas that updates Columbus' Flood Insurance Study Report and Flood Insurance Rate Maps (FIRM); and

WHEREAS, the Indiana Department of Natural Resources adopted an updated model ordinance for flood hazard areas in 2013; and

WHEREAS, the City of Columbus is required, as a condition of continued eligibility in the National Flood Insurance Program, to adopt the updated Flood Insurance Study Report and Flood Insurance Rate Maps in a legally enforceable document on or before December 9, 2014; and

WHEREAS, the City's participation in the National Flood Insurance Program makes reduced-cost flood insurance available to local property owners; and

WHEREAS, the recommended zoning ordinance revisions include amendments to the existing flood hazard area standards to reflect changes made to the Indiana Department of Natural Resources model ordinance for flood hazard areas and adopt the updated Flood Insurance Study Report and Flood Insurance Rate Maps; and

WHEREAS, these revisions were prepared for the purposes described by IC 36-7-4-601(c); including (1) the securing of adequate light, air, convenience of access, and safety from fire, flood, and other danger; (2) lessening or avoiding congestion in public ways, and (3) promoting the public health, safety, comfort, morals, convenience, and general welfare; and

WHEREAS, the City of Columbus Comprehensive Plan, adopted in a series of elements from 1999 through 2014, provides the policy guidance for the creation and revision of the zoning ordinance, including the flood hazard area standards; and

WHEREAS, the Columbus Plan Commission did, on October 8, 2014, hold a legally advertised public hearing on the zoning ordinance revisions and has certified a favorable recommendation to the Common Council; and

WHEREAS, the Common Council has considered the criteria provided by IC 36-7-4-603; including (1) the Comprehensive Plan, (2) the current conditions in each district, (3) the most desirable use for land in each district, (4) the conservation of property values, and (5) responsible growth and development.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Columbus, Indiana as follows:

SECTION 1: Zoning Ordinance Flood Hazard Area Standards Amended

The flood hazard area standards of the Columbus & Bartholomew County Zoning Ordinance are amended for the jurisdiction of the City of Columbus as follows:

1. Section 4.7(A) is revised to read as follows: "The Indiana Legislature has in IC 36-7-4 granted the power to local government units..."
2. Section 4.7(A)(1)(b) is revised to read as follows: "...hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages."
3. Section 4.7(A)(2)(f) is revised to read as follows: "Make federal flood insurance available for structures..."
4. Section 4.7(A)(3)(g) is deleted.
5. Section 4.7(B) is revised for the terms "A zone, Zone A", "A zone, Zone AE and A1-A30", "A zone, Zone AO", "A zone, Zone AH", "A zone, Zone AR", and "A zone, Zone A99" to remove the following text: "Mandatory flood insurance purchase requirements apply."
6. Section 4.7(B) is revised for the term "Accessory Structure" to be defined as follows: "(appurtenant structure) means a structure with a floor area 400 square feet or less that is located on the same parcel..."
7. Section 4.7(B) is revised to delete a note in the margin that reads as follows: "The IDNR model ordinance defined "appeal" as both an appeal of the administrator's decision and a variance application. This definition has been altered to be in conformance with the use of the term "appeal" common to zoning ordinances."
8. Section 4.7(B) is revised to include the term "Base Flood" which is defined as follows: "means the flood having a one percent chance of being equaled or exceeded in any given year."
9. Section 4.7(B) is revised to include the term "Boundary River" which is defined as follows: "means the part of the Ohio River that forms the boundary between Kentucky and Indiana."
10. Section 4.7(B) is revised to include the term "Boundary River Floodway" which is defined as follows: "means the floodway of a boundary river."
11. Section 4.7(B) is revised for the term "Critical Facility" to be defined as follows: "...police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste."
12. Section 4.7(B) is revised to include the term "D Zone" which is defined as follows: "means unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone."
13. Section 4.7(B) is revised for the term "Development" where item "b" is defined as follows: "...manufactured home or installing a recreational vehicle on a site for more than 180 days."
14. Section 4.7(B) is revised to delete the term "Encroachment."

15. Section 4.7(B) is revised to delete the term "Existing Construction."
16. Section 4.7(B) is revised to delete the term "Flood Hazard Boundary Map (FHBM)."
17. Section 4.7(B) is revised to delete the term "Functionally Dependent Facility."
18. Section 4.7(B) is revised to include the term "Letter of Final Determination (LFD)" which is defined as follows: "means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause."
19. Section 4.7(B) is revised to include the term "Letter of Map Change (LOMC)" which is defined as follows: "is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below." The existing terms LOMA, LOMR, and LOMR-F are indented and organized below this new term.
20. Section 4.7(B) is revised for the term "Letter of Map Amendment (LOMA) to be defined as follows: "means an amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA."
21. Section 4.7(B) is revised for the term "Lowest Floor" to be defined as follows: "means the lowest elevation described among the following..." Also, item "e" of this term is revised as follows: "The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless: (i) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls; (ii) the total net area of all openings shall be at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and, (iii) such enclosed space shall be usable solely for the parking of vehicles and building access."
22. Section 4.7(B) is revised to delete the term "Map amendment."
23. Section 4.7(B) is revised to delete the term "Map panel number."
24. Section 4.7(B) is revised to include the term "Non-Boundary River Floodway" which is defined as follows: "means the floodway of any river or stream other than a boundary river."
25. Section 4.7(B) is revised to delete the term "Participating Community."
26. Section 4.7(B) is revised to delete the term "Probation."
27. Section 4.7(B) is revised for the term "Repetitive Loss" to be defined as follows: "...during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damaged occurred."
28. Section 4.7(B) is revised for the term "Special Flood Hazard Area (SFHA)" to be defined as follows: "means those lands within the jurisdiction of the City of Columbus and Bartholomew County subject to inundation by the regulatory flood. The SFHAs of the City of Columbus and Bartholomew County are generally identified as such on the Bartholomew County, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 9, 2014 as well as any future updates, amendments, or

revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO)."

29. Section 4.7(B) is revised for the term "Start of Construction" to be defined as follows: "...The actual start means the first placement or permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home..."
30. Section 4.7(B) is revised to delete the term "Water Surface Elevation."
31. Section 4.7(B) is revised for the term "Zone" to be defined as follows: "...geographical area shown on a FIRM that reflects..."
32. Section 4.7(C)(1) is revised to read as follows: "...shall apply to all SFHAs, 500-year floodplain areas, and known flood prone areas within the jurisdictions..."
33. Section 4.7(C)(2) is revised to read as follows: "...Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved."
34. Section 4.7(C)(2)(a) is deleted and replaced with the following: "The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs and 500-year floodplains within the jurisdictions of the City of Columbus and Bartholomew County shall be as delineated on the flood profiles in the Flood Insurance Study of Bartholomew County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Map dated December 9, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date."
35. Section 4.7(C)(2)(b) is deleted and replaced with the following: "The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdictions of the City of Columbus and Bartholomew County delineated as an "A Zone" on the Bartholomew County, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 9, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile (see also Section 4.7(K))"
36. Section 4.7(C)(2)(d) in its entirety is reorganized to replace the existing text as Section 4.7(C)(2)(c) and is revised to read as follows: "...provided the upstream drainage area from the subject site is greater than one square mile (see also Section 4.7(K))"
37. Section 4.7(C)(2)(d) is added to read as follows: "Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA."
38. Section 4.7(C)(6)(b) is revised to read as follows: "...is above the base flood elevation and not located within the floodway, that site shall be considered..."
39. Section 4.7(C)(9)(b) is revised to read as follows: "...All costs connected therewith shall accrue to the person or persons responsible."
40. Section 4.7(D)(1) is revised to read as follows: "...to the appropriate Floodplain Administrator on forms furnished by him or her prior to any development activities...storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following..."

41. Section 4.7(D)(1)(a)(v) is revised to read as follows: "Elevation of the top of the planned lowest floor..."
42. Section 4.7(D)(1)(a)(vii) is revised to read as follows: "...as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision (See Section 4.7(D)(2)(e) for additional information.)"
43. Section 4.7(D)(1)(b) is revised to delete the existing text and add Section 4.7(D)(1)(b)(i) and Section 4.7(D)(1)(b)(ii) and will read as follows: "Construction Stage: (i) Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD 1929 elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk. (ii) Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer and certified by same. (The Floodplain Administrator shall review the floodproofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop-work order for the project."
44. Section 4.7(D)(1)(b) has been revised to include a margin note that reads as follows: "The Chief Code Enforcement Officer will integrate the needed inspections and certifications with the typical building inspection process."
45. Section 4.7(D)(1)(c) is added as follows: "Completion Stage: Upon completion of construction, an elevation certification which depicts the "as-built" lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification is required to be submitted by the applicant to the Floodplain Administrator."
46. Section 4.7(D)(2) is reorganized and revised as follows:
 - a. Subsection (e) becomes subsection (f), subsection (f) becomes subsection (g), subsection (g) becomes subsection (h), subsection (h) becomes subsection (i), subsection (i) becomes subsection (k), and subsection (j) becomes subsection (l);
 - b. A replacement subsection (e) is added and reads, "Maintain Records: Maintain and track permit records involving additions and improvements to residences located in the floodway";
 - c. A replacement subsection (j) is added and reads, "Review Plans: Review certified plans and specifications for compliance."
 - d. The following subsections are revised as follows:
 - i. Section 4.7(D)(2)(d) is revised to read as follows: "...Copies of such permits/authorizations are to be maintained on file..."
 - ii. Section 4.7(D)(2)(e) [renumbered as subsection (2)(f) as described above] is revised to read as follows: "Notify adjacent communities and the State Floodplain Coordinator prior..."

- iii. Section 4.7(D)(2)(f) [renumbered as subsection (2)(g) as described above] is revised to read as follows: "...regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, and floodplain analysis..."
 - iv. Section 4.7(D)(2)(g) [renumbered as subsection (2)(h) as described above] is revised to read as follows: "Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA..."
- 47. Section 4.7(E)(10) is deleted.
- 48. Section 4.7(F)(1)(a) is revised to read as follows: "Construction or placement of any structure having a floor area greater than 400 square feet."
- 49. Section 4.7(F)(1)(b) is revised to read as follows: "Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land)."
- 50. Section 4.7(F)(1)(g) is added as follows: "Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance for the applicable jurisdiction (City or County)."
- 51. The interpretation note included in the page margin in Section 4.7(F) is revised to read as follows: "IDNR interprets Section 4.7(F)(1) as follows: (a) indicates that all new structures with a floor area greater than 400 square feet shall be protected from flood damage below the FPG (elevated or floodproofed), (b) indicates that any addition (to an existing structure having an area over 400 square feet) for which the cost of the addition equals or exceeds 50% of the value of the existing structure (excluding the land), requires the addition, but not the existing structure, to be protected from flood damage below the FPG at the time the addition is made to that structure, (c) indicates that reconstruction or repairs (to any existing structure over 400 square feet) resulting from damage (by any cause) that equals or exceeds 50% of the value of the structure (excluding the land) shall only be conducted if the structure being reconstructed or repaired is protected from flood damage below the FPG (elevated or floodproofed), (g) indicates that any addition (to an existing structure having an area over 400 square feet) for which the addition is the second such addition (of any value) made to the structure since the local adoption of floodplain regulations, then the addition, but not the existing structure (including the first addition), must be protected from flood damage below the FPG at the time the addition is made to that structure."
- 52. Section 4.7(F)(3)(a) is revised to read as follows: "...Such certification shall be provided to the official as set forth in Section 4.7(D)(2)(l)."
- 53. Section 4.7(F)(5)(a) is revised to read as follows: "...or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file."
- 54. Section 4.7(F)(5)(b) is revised to read as follows: "The fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE."
- 55. Section 4.7(F)(5)(b) is revised to delete a note in the margin that reads as follows: "The IDNR considers the fill requirements contained in Section 4.7(F)(5)(b) to be mandatory. This "should" statement is to be considered as a "shall" statement; a requirement."
- 56. Section 4.7(F)(6) is deleted and replaced with the following:

Manufactured Homes and Recreational Vehicles: Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- a. These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing

manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:

- i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4.7(F)(4).
- b. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:
- i. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4.7(F)(4).
- c. Recreational vehicles placed on a site shall either:
- i. be on site for less than 180 days;
 - ii. be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - iii. meet the requirements for "manufactured homes" as stated earlier in this Chapter.

57. Section 4.7(F)(7) is added as follows:

Accessory Structures: Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:

- a. Shall not be used for human habitation.
- b. Shall be constructed of flood resistant materials.
- c. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
- d. Shall be firmly anchored to prevent flotation.
- e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
- f. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4.7(F)(4).

58. Section 4.7(F)(8) is added as follows: "Above Ground Gas or Liquid Storage Tanks: All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement."

59. Section 4.7(I)(2)(b) is revised to read as follows: "...taken by the Floodplain Administrators until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources..."

60. Section 4.7(I)(2)(c) is revised to read as follows: "No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses. The increase in the regulatory flood resulting from any development shall be determined by IDNR as an element of the permit review process. In no

instance shall the City of Columbus or Bartholomew County be assumed to have responsibility for this determination.”

61. Section 4.7(I)(2)(d) is revised to read as follows: “For all projects involving channel modifications or fill (including levees) the Floodplain Administrator shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 §CFR 65.12. Such request shall be included in the community’s biennial report submission to the Federal Emergency Management Agency.”
62. Section 4.7(K)(1)(a) is revised to read as follows: “...either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade...”
63. Section 4.7(K)(1)(b) is revised to read as follows: “...received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment...”
64. Section 4.7(K)(2) is revised to read as follows: “...to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.”
65. Section 4.7(K)(3) is revised to read as follows: “...regulatory flood more than 0.14 of one foot and shall not increase flood damages...”
66. Section 4.7(M)(2) is revised to add the following: “The Planning Director may, upon the advice of a qualified engineer, exempt from the modeling requirement development activities that are so minimal that any conceivable impact would also be minimal and likely not detectable. To the extent possible, these activities shall be included in the base model, consistent with Section 4.7(M)(2)(c).”
67. Section 4.7(N)(4) is revised to read as follows: “Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice specifying the difference between the flood protection grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A written notice shall be signed by a community official. The written notice shall state that:”
68. Section 4.7(N)(4)(a) is revised to read as follows: “...variance to construct a structure below the flood protection grade will result in increased...”
69. Section 4.7(N)(4)(b) is revised to read as follows: “Such construction below the flood protection grade increases risks to life and property.”
70. Section 4.7(N) has been revised to include a margin note that reads as follows: “The description of the standards for variance notification and the conditions for variances have been reorganized from the IDNR model ordinance to eliminate duplicate text.”
71. Section 4.7(N)(5) is revised to read as follows: “...Department of Natural Resources upon request [See also Section 4.7(N)(4)]. The Floodplain Administrator will also maintain a record of all variance actions, including justification for their issuance.”

SECTION 2: Repealer

All ordinances or parts thereof in conflict with this Ordinance shall be repealed to the extent of such conflict.

SECTION 3: Severability

If any provision, or the application of any provision, of this Ordinance is held unconstitutional or invalid the remainder of the Ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 4: Effective Date

This Ordinance shall be effective on December 9, 2014.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2014 at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2014 at _____ o'clock _____.m.

Kristen S. Brown
Mayor of the City of Columbus, Indiana

GENERAL RESOLUTION: 2014-03

of the City of Columbus, Indiana Plan Commission

regarding the
Columbus & Bartholomew County Zoning Ordinance
[a proposal to adopt updated Flood Insurance Rate Maps and revise the Flood Hazard Area Standards of the Columbus & Bartholomew County Zoning Ordinance]

WHEREAS, on March 18, 2008 the Columbus Common Council passed Ordinance No. 13, 2008 adopting a replacement zoning ordinance, including zoning maps, for the jurisdiction of the City of Columbus; and

WHEREAS, the replacement zoning ordinance also includes the flood hazard area standards for the community; and

WHEREAS, since that ordinance's effective date of April 3, 2008 its effectiveness, legality, and clarity have been subject to regular and on-going review by the Columbus Plan Commission and its professional staff; and

WHEREAS, this review of the zoning ordinance is both an expected and planned component of its administration and is necessary for the ordinance's long-term maintenance and relevance; and

WHEREAS, the Federal Emergency Management Agency has issued a final flood hazard determination for Bartholomew County and all Incorporated Areas that updates Columbus' Flood Insurance Study Report and Flood Insurance Rate Maps (FIRM); and

WHEREAS, the Indiana Department of Natural Resources adopted an updated model ordinance for flood hazard areas in 2013; and

WHEREAS, the City of Columbus is required, as a condition of continued eligibility in the National Flood Insurance Program, to adopt the updated Flood Insurance Study Report and Flood Insurance Rate Maps in a legally enforceable document on or before December 9, 2014; and

WHEREAS, the City's participation in the National Flood Insurance Program makes reduced-cost flood insurance available to local property owners; and

WHEREAS, the recommended zoning ordinance revisions include amendments to the existing flood hazard area standards to reflect changes made to the Indiana Department of Natural Resources model ordinance for flood hazard areas and adopt the updated Flood Insurance Study Report and Flood Insurance Rate Maps; and

WHEREAS, these revisions were prepared for the purposes described by IC 36-7-4-601(c); including (1) the securing of adequate light, air, convenience of access, and safety from fire, flood, and other danger; (2) lessening or avoiding congestion in public ways, and (3) promoting the public health, safety, comfort, morals, convenience, and general welfare; and

WHEREAS, the City of Columbus Comprehensive Plan, adopted in a series of elements from 1999 through 2014, provides the policy guidance for the creation and revision of the zoning ordinance, including the flood hazard area standards; and

WHEREAS, the Columbus Plan Commission did, on October 8, 2014, hold a legally advertised public hearing on the zoning ordinance revisions; and

WHEREAS, the Plan Commission has considered the criteria provided by IC 36-7-4-603; including (1) the Comprehensive Plan, (2) the current conditions in each district, (3) the most desirable

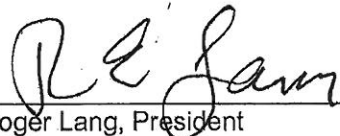
use for land in each district, (4) the conservation of property values, and (5) responsible growth and development; and

WHEREAS, the Plan Commission recognizes that its action represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on this matter.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of the City of Columbus, Indiana, as follows:

- 1) The proposed revisions to the Columbus & Bartholomew County Zoning Ordinance including updated references to the updated Flood Insurance Rate Map (FIRM) and the Flood Insurance Study (FIS) report for Bartholomew County, Indiana and Incorporated Areas, dated December 9, 2014 (documented by the "Adoption Draft" ordinance attached to and made a part of this resolution) are forwarded to the Common Council with a favorable recommendation.
- 2) This resolution shall serve as the certification required by IC 36-7-4-605.

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 8th DAY OF October, 2014 BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.



Roger Lang, President

ATTEST:



Dave Fisher, Secretary

Note: Participation by the City of Columbus and Bartholomew County in the National Flood Insurance Program (NFIP) requires the adoption of flood hazard regulations that meet certain minimum criteria. This Chapter is based on the Indiana Department of Natural Resources model flood hazard area ordinance, which has been developed to assist local governments in meeting the minimum NFIP criteria. Instances in which this Chapter differs from the IDNR model ordinance have been noted to assist with local administration.

Amendments:

Chapter 4.7 revised through City of Columbus Ord. 2-2013, effective 2.19.13, and Bartholomew County Ord. 1-2013, effective 2.25.13.

4.7 Flood Hazard Area (FH-OL)

A. Authority & Purpose: The Indiana Legislature has in IC 36-7-4 and ~~IC 14-28-4~~ granted the power to local government units to control land use within their jurisdictions. Therefore, the City of Columbus and Bartholomew County adopt the following floodplain management regulations.

1. Findings of Fact:

- a. *Flood Hazard Identified:* The flood hazard areas of the City of Columbus and Bartholomew County are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b. *Flood Hazard Causes:* Causes for flood losses include the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, ~~inadequately~~ flood-proofed, or otherwise unprotected from flood damages.

2. Purpose: It is the purpose of this Chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- d. Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- e. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,
- f. Make ~~federally-subsidized federal~~ flood insurance available for structures and their contents in the City of Columbus and Bartholomew County by fulfilling the requirements of the National Flood Insurance Program.

3. Objectives: The objectives of this Chapter are:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;

4.7 Flood Hazard Area (FH-OL) (cont.)

- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- g. ~~To ensure that potential homebuyers are notified that property is in a flood area.~~

B. **Definitions:** Unless specifically defined below, words or phrases used in this Chapter shall be defined by Article 14 of this Ordinance and interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

A zone: means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. ~~Mandatory flood insurance purchase requirements apply.~~

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. ~~Mandatory flood insurance purchase requirements apply.~~ (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. ~~Mandatory flood insurance purchase requirements apply.~~

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are 1-3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. ~~Mandatory flood insurance purchase requirements apply.~~

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. ~~Mandatory flood insurance purchase requirements apply.~~

4.7 Flood Hazard Area (FH-OL) (cont.)

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. ~~Mandatory flood insurance purchase requirements apply.~~

Accessory structure: (appurtenant structure) means a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition: (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal: means a request for a review of the floodplain administrator's interpretation of any provision of this Chapter.

Area of shallow flooding: means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood: means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): means the elevation of the one-percent annual chance flood.

Basement: means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Boundary River: means the part of the Ohio River that forms the boundary between Kentucky and Indiana.

Boundary River Floodway: means the floodway of a boundary river.

Building: see "Structure."

Community: means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

4.7 Flood Hazard Area (FH-OL) (cont.)

Community Rating System (CRS): means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility: means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, **and installations which produce, use, or store hazardous materials or hazardous waste.**

D Zone: means unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

Development: means any man-made change to improved or unimproved real estate including but not limited to:

- a. construction, reconstruction, or placement of a structure or any addition to a structure;
- b. installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
- c. installing utilities, erection of walls and fences, construction of roads, or similar projects;
- d. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- e. mining, dredging, filling, grading, excavation, or drilling operations;
- f. construction and/or reconstruction of bridges or culverts;
- g. storage of materials; or
- h. any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing structures and facilities such as painting, reroofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevated structure: means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate: is a certified statement that verifies a structure’s elevation information.

Emergency Program: means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Encroachment: means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

4.7 Flood Hazard Area (FH-OL) (cont.)

~~**Existing Construction:** means any structure for which the “start of construction” commenced before the effective date of the community’s first floodplain ordinance.~~

Existing manufactured home park or subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community’s first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision: means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: means the Federal Emergency Management Agency.

Five-hundred year flood (500-year flood): means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Flood: means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

~~**Flood Boundary and Floodway Map (FBFM):** means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.~~

Flood Hazard Boundary Map (FHBM): means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM): means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood Prone Area: means any land area acknowledged by a community as being susceptible to inundation by water from any source. (see “Flood”).

Floodplain: means the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain management: means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the

4.7 Flood Hazard Area (FH-OL) (cont.)

floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations: means this Chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Flood Protection Grade (FPG): is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)

Floodproofing (dry floodproofing): is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate: is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway: is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard: means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe: is those portions of the floodplain lying outside the floodway.

Functionally dependent facility: means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship: (as related to variances of this Chapter) means the exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals of jurisdiction requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a

4.7 Flood Hazard Area (FH-OL) (cont.)

rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade: means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure: means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC): means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Final Determination (LFD): means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during the six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC): is a general term used to refer to several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below

Letter of Map Amendment (LOMA): means an amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR): means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F): means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade: means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or base-ment entryway immediately next to the structure.

4.7 Flood Hazard Area (FH-OL) (cont.)

Lowest floor: means the lowest elevation described among of the following:

- a. the top of the lowest level of the structure;
- b. the top of the basement floor;
- c. the top of the garage floor, if the garage is the lowest level of the structure;
- d. the top of the first floor of a structure elevated on pilings or pillars;
- e. the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - i. the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;
 - ii. ~~having a total net area of the total net area of all openings shall be~~ at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
 - iii. such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home: means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map amendment: means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA):

Map panel number: is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value: means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

4.7 Flood Hazard Area (FH-OL) (cont.)

Mitigation: means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP): is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929: as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction: means any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

New manufactured home park or subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community’s first floodplain ordinance.

Non-Boundary River Floodway: means the floodway of any river or stream other than a boundary river.

North American Vertical Datum of 1988 (NAVD 88): as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction: includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred year flood (100-year flood): is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

One-percent annual chance flood: is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

Participating community: is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

4.7 Flood Hazard Area (FH-OL) (cont.)

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Physical Map Revision (PMR): is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Placement of Fill: The locating on a property of any soil, rocks, or other material or items that has the effect of limiting, altering, or preventing the flow of floodwater. Placement of fill shall not include incidental earthwork associated with replacing flatwork, such as driveways or sidewalks, gardening, and other similar activities.

Post-FIRM construction: means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Pre-FIRM construction: means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation: is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations:

Public safety and nuisance: anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle: means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be selfpropelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular program: means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood: means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 4.7(C)(2) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Note: The Definition of "Placement of Fill" has been added in support of increased local regulations for floodways.

4.7 Flood Hazard Area (FH-OL) (cont.)

Repetitive loss: means flood-related damages sustained by a structure on two separate occasions during a 10-year period ~~ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred. at the time of each such flood event.~~

Section 1316: is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA): means those lands within the jurisdictions of the City of Columbus and Bartholomew County subject to inundation by the regulatory flood. ~~The SFHAs of the City of Columbus and Bartholomew County are generally identified as such on the Bartholomew County, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 9, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. The SFHAs of the City are generally identified as such on the Flood Insurance Rate Map of the City of Columbus, Indiana prepared by the Federal Emergency Management Agency and dated February 19, 1997. The SFHAs of the County are generally identified as such on the Flood Insurance Rate Map of the County of Bartholomew, Indiana (Unincorporated Areas) prepared by the Federal Emergency Management Agency and dated March 15, 1982. (These areas are shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO).~~

Start of construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure ~~(including a manufactured home)~~ on a site, such as the pouring of a slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; ~~or the for~~ placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

4.7 Flood Hazard Area (FH-OL) (cont.)

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Structure: means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage” regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a “historic structure”, provided that the alteration will not preclude the structures continued designation as a “historic structure”.

Suspension: means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance: is a grant of relief from the requirements of this Chapter, which permits construction in a manner otherwise prohibited by this Chapter where specific enforcement would result in unnecessary hardship.

Violation: means the failure of a structure or other development to be fully compliant with this Chapter. A structure or other development without the elevation, other certification, or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided.

Watercourse: means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

~~**Water surface elevation:** means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.~~

X zone: means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Increased Requirement: The IDNR model ordinance provides standards for flood hazard reduction in the SFHAs (100-year floodplains) only. This Chapter extends those same regulations (based on the 100-year BFEs and FPGs) to the 500-year flood fringe area as well.

4.7 Flood Hazard Area (FH-OL) (cont.)

Zone: means a geographical area shown on a ~~FHBM or~~ FIRM that reflects the severity or type of flooding in the area.

Zone A: (see definition for A zone)

Zone B, C, and X: means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones (Zone X is used on new and revised maps in place of Zones B and C).

C. **General Provisions:** The following general provisions shall apply to this Chapter.

1. **Applicability:** This Chapter shall apply to all SFHAs, ~~and~~ 500-year floodplain areas, ~~and known flood prone areas~~ within the jurisdictions of the City of Columbus and Bartholomew County.
2. **Basis for Establishing Regulatory Flood Data:** This Chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party ~~submitting the detailed engineering study~~ needs to replace existing data with better data that meets current engineering standards. ~~To be considered, this data must be submitted and submit it~~ to the Indiana Department of Natural Resources for review and ~~subsequently~~ approval.
 - a. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs and 500-year floodplains ~~of the City and its extraterritorial jurisdiction (as applicable) shall be as delineated on the flood profiles in the Flood Insurance Study of the City of Columbus, Indiana dated January 5, 1996, and the corresponding Flood Insurance Rate Map dated February 19, 1997 prepared by the Federal Emergency Management Agency:~~ within the jurisdictions of the City of Columbus and Bartholomew County shall be as delineated on the flood profiles in the Flood Insurance Study of Bartholomew County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Map dated December 9, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
 - b. ~~The regulatory flood elevation, floodway, and fringe limits of studied SFHAs and 500-year floodplains of the County shall be as delineated on the flood profiles in the Flood Insurance Study of the County of Bartholomew, Indiana (Unincorporated Areas) dated September 15, 1981 and the corresponding Flood Boundary Floodway Map dated March 15, 1982 prepared by the Federal Emergency Management Agency:~~ The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdictions of the City of

4.7 Flood Hazard Area (FH-OL) (cont.)

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- Columbus and Bartholomew County delineated as an “A Zone” on the Bartholomew County, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 9, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile (see also Section 4.7(K)).
- ~~c. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdictions of the City of Columbus, Indiana and the County of Bartholomew, Indiana (Unincorporated Areas) delineated as an “A Zone” on the FIRMs of the City of Columbus and Bartholomew County prepared by the Federal Emergency Management Agency and dated January 5, 1996 and March 15, 1982 respectively shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile (or an engineering analysis if the drainage area for the subject site is less than one square mile (see Section 4.7(K)).~~
 - c. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community’s known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile ~~(or an engineering analysis if the drainage area for the subject site is less than one square mile~~ (see also Section 4.7(K)).
 - d. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping / study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.
3. Floodplain Development Permit: A Floodplain Development Permit shall be required in conformance with the provisions of this Chapter prior to the commencement of any development activities in areas of special flood hazard.
- a. *Floodplain Alteration with other Construction*: The Floodplain Development Permit shall be included as an element of any Improvement Location Permit required by this Ordinance in all instances where floodplain alterations (filling, grading, etc.) and other improvements (construction of a structure, etc.) are to be permitted simultaneously.

Note: The IDNR model ordinance refers only to a Floodplain Development Permit. Sub-sections 3(a) and 3(b) have been added to ensure a coordinated and efficient local review process.

4.7 Flood Hazard Area (FH-OL) (cont.)

- b. *Floodplain Alteration without other Construction:* The Floodplain Development Permit shall follow the procedures for a Zoning Compliance Certificate when applied for independently of other improvements (such as the placement of fill or other alterations not immediately including construction of a structure).
4. Compliance: No structure shall be located, extended, converted or structurally altered within the SFHA or 500-year floodplain without full compliance with the terms of this Chapter and other applicable regulations. No land or stream within the SFHA or 500-year floodplain shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.
5. Abrogation and Greater Restrictions: This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and other ordinances or regulations conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. Mapped Floodplain / Actual Ground Elevation Discrepancies: In cases where there is a discrepancy between the mapped floodplain on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
 - a. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA or 500-year floodplain and regulated accordingly.
 - b. If the elevation (natural grade) of the site in question is above the base flood elevation **and not located within the floodway**, that site shall be considered outside the SFHA or 500-year floodplain and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.
7. Interpretation: In the interpretation and application of this Chapter all provisions shall be:
 - a. considered as minimum requirements;
 - b. liberally construed in favor of the governing body; and,
 - c. deemed neither to limit nor repeal any other powers granted under state statutes.
8. Warning and Disclaimer of Liability: The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of the City of Columbus, Bartholomew County, the Indiana Department of Natural Resources, or the State of Indiana for any flood damage that results from reliance on this Chapter or any lawfully made administrative decision.

4.7 Flood Hazard Area (FH-OL) (cont.)

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Overlay Zoning Districts

9. **Violations:** Failure to obtain a Floodplain Development Permit in the SFHA or 500-year floodplain or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this Ordinance. All violations shall be subject to the provisions of Article 13, Enforcement & Penalties of this Ordinance.

- a. The floodplain administrators shall inform the property owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- b. Nothing in this Chapter shall prevent the City of Columbus or Bartholomew County from taking any other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the ~~with that action shall be reimbursed by the~~ person or persons responsible.

D. **Administration:** The Planning Director, the Chief Code Enforcement Officer, and their designees shall administer and implement the provisions of this Chapter and be referred to as the Floodplain Administrators. The Planning Director shall be responsible for the implementation of this Chapter with regard to subdivision requests and all construction, development, and land uses for which a Zoning Compliance Certificate is required by this Ordinance. The Chief Code Enforcement Officer shall be responsible for the implementation of this Chapter with regard to all 1 and 2 family residences and all other similar construction, development, and land uses for which a Zoning Compliance Certificate is not required.

1. **Floodplain Development Permit Procedures:** Application for a Floodplain Development Permit shall be made to the appropriate Floodplain Administrator ~~on forms furnished by him or her~~ prior to any development activities, and may include, but not be limited to, the following information drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing and/or proposed structures; earthen fill; storage of materials or equipment; and drainage facilities, ~~and the location of the foregoing~~. Specifically the following information is required:

- a. **Application Stage:**
 - i. A description of the proposed development;
 - ii. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
 - iii. A legal description of the property site;
 - iv. A site plan showing existing and proposed development locations and existing and proposed land grades;
 - v. Elevation of the top of the ~~planned~~ lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD 1929;

Note: The specific penalties for violations provided by the IDNR model ordinance have been omitted in favor of a reference to Article 13 of this Ordinance. This alteration is intended to ensure consistent enforcement of all requirements of this Ordinance.

Note: The division of duties between the Planning Director and the Chief Code Enforcement Officer is unique to Columbus and Bartholomew County. These statements supplement the text of the IDNR model ordinance.

Note: The Chief Code Enforcement Officer will integrate the needed inspections and certifications with the typical building inspection process.

4.7 Flood Hazard Area (FH-OL) (cont.)

- vi. Elevation (in NAVD 88 or NGVD 1929) to which any non-residential structure will be floodproofed; and
 - vii. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision (See Section 4.7(D)(2)(e) for additional information).
- b. *Construction Stage:* ~~Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD 1929 elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make required corrections shall be cause to issue a stop-work order for the project.~~
- (i) Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD 1929 elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk.
 - (ii) Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a

4.7 Flood Hazard Area (FH-OL) (cont.)

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- floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer and certified by same. (The Floodplain Administrator shall review the floodproofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop-work order for the project.
- c. *Completion Stage:* Upon completion of construction, an elevation certification which depicts the “as-built” lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification is required to be submitted by the applicant to the Floodplain Administrator.
2. Duties and Responsibilities of the Floodplain Administrators: The Floodplain Administrators and/or designated staff is authorized and directed to enforce the provisions of this Chapter. The administrators are further authorized to render interpretations of this Chapter, which are consistent with its spirit and purpose. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:
- Ensure Compliance:* Review all Floodplain Development Permits and certified plans and specifications to assure that the requirements of this Chapter have been satisfied;
 - Determine Damage:* Inspect and inventory damaged structures in SFHAs and complete substantial damage determinations;
 - Ensure Authorization:* Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Sections 4.7(I) and K(1) of this Chapter, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment).
 - Maintain Permits:* Ensure that all necessary federal and/or state permits have been received prior to issuance of the local Floodplain Development Permit. Copies of such permits/authorizations are to be maintained on file with the Floodplain Development Permit;
 - Maintain Records:* Maintain and track permit records involving additions and improvements to residences located in the floodway.
 - Provide Notice of Watercourse Relocation:* Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

Note: The description of the duties of the administrators have been reorganized from the IDNR model ordinance to eliminate duplicate text.

4.7 Flood Hazard Area (FH-OL) (cont.)

***Interpretation Note:** IDNR has determined that structures that are 400 square feet or less are exempt from the General Standards for Flood Hazard Reduction and intended that exemption to be clear through the text provided in Section 4.7(F)(1)(a). Further, all instances in Section 4.7(E) that refer to "substantial improvements" shall not be construed as applying the definition for that term as provided by this Chapter. As used in this Section the term "substantial improvements" shall mean any alterations, repair, reconstruction or improvements to a structure.*

- g. *Provide Data:* Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, **Letters of Map Change (LOMC) Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR)**; copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this Chapter;
- h. *Apply Map Revisions:* Utilize and enforce all **Letters of Map Change (LOMC) Letters of Map Revision (LOMR)** or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;
- i. *Assure Maintenance:* Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- j. *Review Plans:* **Review certified plans and specifications for compliance.**
- k. *Verify Lowest Floor Elevations:* Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 4.7(D)(1); and
- l. *Verify Floodproofing:* Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with Section 4.7(D)(1).

E. General Standards for Flood Hazard Reduction: In all SFHAs, known floodplain areas, and 500-year floodplain areas the following provisions are required.

- 1. **General Anchoring Required:** New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- 2. **Manufactured Home Anchoring Required:** Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- 3. **Flood Resistance Required:** New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
- 4. **Flood Damage Minimized:** New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- 5. **Service Facilities Protected:** Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to

4.7 Flood Hazard Area (FH-OL) (cont.)

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prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

6. Water Supply Systems Protected: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. Sanitary Sewage Systems Protected: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
8. On-site Waste Disposal Protected: On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Alteration of Structures in Compliance: Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this Chapter shall meet the requirements of "new construction" as contained in this Chapter.

~~10. Alteration of Structures not in Compliance: Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this Chapter, shall be undertaken only if said non-conformity is not further extended or replaced.~~

F. **Specific Standards for Flood Hazard Reduction:** In all SFHAs, and 500-year floodplain areas the following provisions are required:

1. Standards for all Structures: In addition to the requirements of Section 4.7(E), all applicable structures as described below shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
 - a. Construction or placement of any **new** structure having a floor area greater than 400 square feet;
 - b. Addition or improvement **made** to any existing structure:
 - i. where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);
 - ii. ~~with a previous addition or improvement constructed since the adoption of the first floodplain ordinance for the applicable jurisdiction (City or County).~~
 - c. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to it's before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damaged occurred;
 - d. Installing a travel trailer or recreational vehicle on a site for more than 180 days; and
 - e. Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same

***Interpretation Note:** IDNR interprets Section 4.7(F)(1) as follows: (a) indicates that all new structures with a floor area greater than 400 square feet shall be protected from flood damage below the FPG (elevated or floodproofed), (b) indicates that any addition (to an existing structure having an area over 400 square feet) for which the cost of the addition equals or exceeds 50% of the value of the existing structure (excluding the land), requires the addition, but not the existing structure, to be protected from flood damage below the FPG at the time the addition is made to that structure, (c) indicates that reconstruction or repairs (to any existing structure over 400 square feet) resulting from damage (by any cause) that equals or exceeds 50% of the value of the structure (excluding the land) shall only be conducted if the structure being reconstructed or repaired is protected from flood damage below the FPG (elevated or floodproofed), (g) indicates that any addition (to an existing structure having an area over 400 square feet) for which the addition is the second such addition (of any value) made to the structure since the local adoption of floodplain regulations, then the addition, but not the existing structure (including the first addition), must be protected from flood damage below the FPG at the time the addition is made to that structure.*

Interpretation Note: IDNR interprets Sections 4.7(F)(2), (3), and (4) to only apply to structures greater than 400 square feet.

4.7 Flood Hazard Area (FH-OL) (cont.)

- site it lawfully occupied before it was removed to avoid flood damage; and
 - f. Reconstruction or repairs made to a repetitive loss structure.
 - g. Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance for the applicable jurisdiction (City or County).
 - 2. Residential Structures: New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 4.7(F)(4).
 - 3. Non-Residential Structures: New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 4.7(F)(4). Structures located in all "A Zones" and 500-year floodplain areas may be floodproofed in lieu of being elevated if done in accordance with the following:
 - a. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Section 4.7(D)(2)(I)(~~g~~).
 - b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
 - 4. Elevated Structures: New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:
 - a. Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

4.7 Flood Hazard Area (FH-OL) (cont.)

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- b. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - d. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - e. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 - f. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
5. Structures Constructed on Fill: A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:
- a. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. **The results of the test showing compliance shall be retained in the permit file.**
 - b. The fill ~~shall~~ **should** extend ~~at least~~ ten feet beyond the foundation of the structure before sloping below the **BFE FPG**.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - e. The top of the lowest floor including basements shall be at or above the FPG.
6. Manufactured Homes and Recreational Vehicles: Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:
- ~~a. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;~~
 - ~~i. outside a manufactured home park or subdivision;~~
 - ~~ii. in a new manufactured home park or subdivision;~~
 - ~~iii. in an expansion to an existing manufactured home park or subdivision; or~~

Interpretation Note: The HDNR considers the fill requirements contained in Section 4.7(F)(5)(b) to be mandatory. This "should" statement is to be considered as a "shall" statement, a requirement.

4.7 Flood Hazard Area (FH-OL) (cont.)

- iv. ~~in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood;~~
- b. ~~The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.~~
- c. ~~Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4.7(F)(4).~~
- a. These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood:
 - i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4.7(F)(4).
- b. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:
 - i. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to pre-

4.7 Flood Hazard Area (FH-OL) (cont.)

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clude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4.7(F)(4).

d.c. Recreational vehicles placed on a site shall either:

- i. be on site for less than 180 days; and,
- ii. be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
- iii. meet the requirements for “manufactured homes” as stated earlier in this Chapter.

7. **Accessory Structures:** Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:

- a. Shall not be used for human habitation.
- b. Shall be constructed of flood resistant materials.
- c. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
- d. Shall be firmly anchored to prevent flotation.
- e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
- f. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4.7(F)(4).

8. **Above Ground Gas or Liquid Storage Tanks:** All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

G. **Standards for Subdivision Proposals:** All subdivision proposals shall be consistent with the need to minimize flood damage.

1. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
2. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
3. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

H. **Standards for Critical and Potentially Harmful Facilities:** Critical facilities are those for which even the slightest risk from flooding is too great given the importance of the facility in responding to a flood event or the complexities of evacuating the facility’s occupants during a flood event. Potential harmful facilities are those that include chemicals or other substances that are potentially harmful to water quality or public health in the event they are inundated by and

Increased Requirement: The IDNR model ordinance contains only general standards for critical facilities. The City of Columbus and Bartholomew County have added specific standards for critical facilities and potentially harmful facilities.

Increased Requirement: The IDNR model ordinance does not specify or limit floodway uses or activities. The City of Columbus and Bartholomew County have added limitations on the types of uses and activities permitted in the floodway.

4.7 Flood Hazard Area (FH-OL) (cont.)

mixed with flood waters. The Floodplain Administrators may determine if any uses not specifically listed below are also either a critical or potential harmful facility and regulate them accordingly. The determination of the Floodplain Administrators may be appealed to the Board of Zoning Appeals through the Administrative Appeal process.

1. **Critical Facilities:** The following critical facilities, including their access driveways, shall be prohibited from locating in the SFHA or 500-year floodplain. The expansion of buildings or other aspects of any of these uses that are pre-existing in an SFHA or 500-year floodplain shall be exempt from this prohibition, provided that all other applicable provisions of this Chapter are met.
 - a. nursing home / assisted living facility.
 - b. animal shelter.
 - c. correctional facility.
 - d. day-care center (child or adult).
 - e. hospital.
 - f. institution for the developmentally disabled / mentally ill.
 - g. police, fire, or rescue station.
 - h. school (grades pre-school through 12).
2. **Potentially Harmful Facilities:** The following potentially harmful facilities, if permitted or conditional in the underlying zoning district or permitted through a use variance or other similar process, shall also be reviewed as a conditional use in the SFHA or 500-year floodplain for the purpose of scrutinizing plans for containment of all chemicals and other potential water-borne pollutants. The expansion of buildings or other aspects of any of these uses that are pre-existing in an SFHA or 500-year floodplain shall be exempt from this prohibition, provided that all other applicable provisions of this Chapter are met.
 - a. Farm (CFO/CAFO types I and II).
 - b. Sewage Treatment Plant.
 - c. Gas station (and other similar fueling facilities).
 - d. Dry cleaners (commercial).
 - e. Hazardous materials production and/or bulk storage.
 - f. Waste disposal facility.

- I. **Standards for Identified Floodways:** Located within SFHAs, established in Section 4.7(C)(2), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and have erosion potential.

1. **Use Restrictions:** All development and land altering activities, including the construction of new buildings, the placement of fill, and the creation of any other potential obstructions to the flow of floodwater shall be prohibited in all floodways. The following activities and uses shall be exempt from this prohibition, provided that all necessary IDNR approvals are obtained and all other applicable provisions of this Chapter are met:

4.7 Flood Hazard Area (FH-OL) (cont.)

- a. Expansion of buildings and uses that are pre-existing in the floodway.
 - b. Construction of buildings and use of pre-existing lots that have been previously, specifically established for development. "Established" is defined as having an approved and unexpired preliminary plat.
 - c. Agricultural uses (pasture land, fields, etc. excluding all structures).
 - d. Wellfields, utility transmission lines and related infrastructure.
 - e. Nature preserve / conservation areas.
 - f. Marinas, boat ramps, fishing piers and other similar water-related recreation facilities.
 - g. Streets, roads, bridges, pedestrian paths, and related infrastructure.
 - h. Mineral extraction operations.
 - i. Flood mitigation projects, regulated drain maintenance, and other drainage improvement projects undertaken by a government entity.
2. **Review Procedure:** If the site is in an identified floodway and the proposed activity is exempt from the prohibitions provided by Section 4.7(I)(1) above or permitted through a use variance or other similar process, the Floodplain Administrators shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway.
- a. **IDNR Permit Required:** Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources). Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.
 - b. **Permit Procedure and Applicable Regulations:** No action shall be taken by the Floodplain Administrators until a permit **or letter of authorization** (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit

Note: The last 2 sentences of Section 4.7(I)(2)(c) have been added to the IDNR model ordinance to clarify responsibility.

Note: The IDNR model ordinance indicates that the local community shall "submit the data" and request that FEMA revise the regulatory flood data in all instances of channel modifications or fill. The IDNR model ordinance contains no time frame or other parameters for this submittal. The model ordinance was modified for the purpose of clarity and consistency.

4.7 Flood Hazard Area (FH-OL) (cont.)

for construction in a floodway **or letter of authorization** has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 4.7(E) through (I)(1) of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

- c. **Flood Increase Criteria & Determination:** No development shall be allowed which acting alone or in combination with existing or future development, **will increase the regulatory flood more than 0.14 of one foot:** that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with **hydraulic analyses**. The increase in the regulatory flood resulting from any development shall be determined by IDNR as an element of the permit review process. In no instance shall the City of Columbus or Bartholomew County be assumed to have responsibility for this determination.
- d. **Procedures for Projects Involving Channel Modifications:** For all projects involving channel modifications **or fill (including levees)** the Floodplain Administrator shall **submit the data and** request that the Federal Emergency Management Agency revise the regulatory flood data **per mapping standard regulations found at 44 §CFR 65.12**. Such request shall be included in the community's biennial report submission to the Federal Emergency Management Agency.
- J. **Standards for Identified Fringe:** If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Section 4.7(E) through (H) of this Chapter have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.
- K. **Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.**
 1. **Significant Upstream Drainage:** If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all

4.7 Flood Hazard Area (FH-OL) (cont.)

pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

- a. No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (**including letters of authorization**) or a floodplain analysis/regulatory assessment citing the ~~100-year one-percent annual chance~~ flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
- b. Once the Floodplain Administrator has received the proper permit for construction in a floodway (**including letters of authorization**) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Section 4.7(E) through (I)(1) of this Chapter have been met.
2. Insignificant Upstream Drainage: If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the ~~floodway, fringe and 100-year floodplain and one-percent annual chance~~ flood elevation for the site. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 4.7(E) through (I)(1) of this Chapter have been met.
3. Review Criteria: The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than 0.14 of one foot and ~~will~~ shall not increase flood damages or potential flood damages. In no instance shall the City of Columbus or Bartholomew County be assumed to have responsibility for this determination.

- L. Standards for Other Flood Prone Areas:** All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet general standards as required per Section 4.7(E). Any other flood prone areas subject to this provision shall be as specifically identified through supplemental floodplain maps adopted by the applicable jurisdiction (City or County, as appropriate).

Note: The last sentence of Section 4.7(K)(3) has been added to the IDNR model ordinance to clarify responsibility.

Note: The last sentence of Section 4.7(L) was added to the IDNR model for the purpose of clarity.

Amendments:

*Section 4.7(M) revised per
City Ord. 26, 2011 (10.12.11)
and City Ord. 2, 2013
(2.19.13).*

4.7 Flood Hazard Area (FH-OL) (cont.)

M. Additional Standards for the Haw Creek Watershed (HUC #05120205060): The Haw Creek flood hazard modeling developed by Christopher B. Burke Engineering (CBBEL) in May of 2011, as updated periodically shall serve as a supplement to the FEMA-provided Flood Insurance Rate Maps for the Haw Creek watershed. This modeling, including updates, shall hereafter be referred to as the “base model”. The following additional standards shall apply to any development, construction, earth moving, or other similar activity that is proposed to occur in the Haw Creek watershed:

1. **Floodplain Mapping Supplemented:** All requirements for structures in the FEMA-identified SFHA and 500-year floodplains established by this Chapter (Chapter 4.7) shall be extended to the base model 500-year flood inundation limits as well, with the base model 100-year BFE as the basis for determining FPG. In all instances where the current Flood Insurance Rate Maps and Flood Insurance Studies prepared by the Federal Emergency Management Agency and the 500-year flood inundation limits and 100-year flood elevations identified on the base model are in conflict, that which provides for the maximum amount of protection from flooding shall control.
2. **Modeling Required and Obstruction Prohibited for Flood Flow Conveyance Paths:** Prior to the commencement of any development, construction, earth moving, or other similar activities to occur within the 500-year flood flow conveyance paths (as identified by the base model) the proposed activity shall be evaluated for its potential impacts. This modeling requirement includes all flood control measures, including those that are intended for temporary protection (such as sandbagging, etc.) that may potentially impact the 500-year flood flow conveyance paths. **The Planning Director may, upon the advice of a qualified engineer, exempt from the modeling requirement development activities that are so minimal that any conceivable impact would also be minimal and likely not detectable. To the extent possible, these activities shall be included in the base model, consistent with Section 4.7(M)(2)(c).**
 - a. The modeling shall be conducted and/or evaluated by a qualified consultant chosen and under contract by the City of Columbus and all costs associated with the modeling shall be incurred by the applicant and shall be paid to the City prior to the modeling.
 - b. No development, construction, earth moving, or other similar activities shall result in any obstruction or loss of capacity in any 500-year flood flow conveyance path (as identified by the base model) unless the required modeling shows that the proposed project along with any proposed compensatory measure, acting alone or in combination with existing development will not increase the modeled 500-year flood elevations

4.7 Flood Hazard Area (FH-OL) (cont.)

- more than 0.14 foot. The amount of obstruction shall be measured cumulatively beginning October 12, 2011 (the effective date of this provision).
- i. The maximum increase in 500-year flood elevations shall apply to all properties, streets, and other off-site locations in the watershed, but shall not apply to the property on which the development or similar activity is taking place. There shall be no limit to these self-imposed increases in flood elevations.
 - ii. Any self-imposed increases in flood elevations on property on which development or similar activity takes place shall not be counted toward calculating the cumulative increase in flood elevations on that same property as a result of development activity undertaken by others. The maximum flood elevation increase refers to the maximum amount of increase that a property owner or owners, over time, can cause to occur on adjacent properties. In no instance shall self-imposed increases prevent adjacent property owners from developing their properties to the maximum extent permitted.
 - iii. All calculations of the flood elevation increase shall be rounded to the nearest hundredths of a foot. Non-rounded results equaling 5 thousandths, 5 ten-thousands, etc. or more shall be rounded up to result in figures in the nearest hundredths of a foot. Similarly, all non-rounded results of less than 5 thousandths, ten-thousands, etc. shall be rounded down.
 - iv. At the time of modeling for any development or similar activity the base model shall be updated to reflect any improved topographic information and shall be adjusted to include any stormwater storage that previously occurred in a structure that is proposed to be protected and therefore no longer available for storage. Any increase in flood elevations that results from removal of stormwater storage from existing structures shall not count toward the maximum flood elevation increase.
 - v. All interpretations and calculations not expressly described in this Section shall follow Indiana Department of Natural Resources standards, policies, etc. for the review of development proposed in a floodway.
- c. At the discretion of the Planning Director, upon the advice of the qualified consultant, the applicant shall also be required to provide as-built plans for any completed development, construction, earth moving, or other similar activities and to incur the costs to update the base model to include that change. The as-built plans and model update cost shall be paid prior to occupancy or other similar use of the completed activity.

Note: The description of the standards for variance notification and the conditions for variances have been reorganized from the IDNR model ordinance to eliminate duplicate text.

4.7 Flood Hazard Area (FH-OL) (cont.)

- N. **Appeals and Variances:** The Board of Zoning Appeals of jurisdiction (the board) shall hear and decide appeals and requests for variances from the requirements of this Chapter.
1. **Appeals of Administrative Decisions:** The board shall hear and decide appeals when it is alleged that an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this Chapter.
 2. **Variance Considerations:** In considering any applications for variance from the requirements of this Chapter, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Chapter, as well as;
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The importance of the services provided by the proposed facility to the community;
 - d. The necessity to the facility of a waterfront location, where applicable;
 - e. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - f. The compatibility of the proposed use with existing and anticipated development;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
 - j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 3. **Variance Conditions:** The following conditions shall apply to the consideration of applicants for variance from the requirements of this Chapter.
 - a. Variances shall only be issued when there is:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

4.7 Flood Hazard Area (FH-OL) (cont.)

- b. No variance for a residential use within a floodway subject to Section 4.7(I) or Section 4.7(K)(1) of this Chapter may be granted.
 - c. Any variance granted in a floodway subject to Section 4.7(I) or Section 4.7(K)(1) of this Chapter will require a permit from the Indiana Department of Natural Resources.
 - d. Variances to the requirements of Section 4.7(F), may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
 - e. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - f. Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure. Historic structures are those listed individually on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
 - g. Upon the consideration of the factors listed in Section 4.7(N), and the purposes of this Chapter, the board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.
4. Variance Notification: ~~Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The written notice shall be signed by a community official and also state that:~~ Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice specifying the difference between the flood protection grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A written notice shall be signed by a community official. The written notice shall state that:
- a. The issuance of a variance to construct a structure below the ~~base flood elevation~~ flood protection grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
 - b. Such construction below the ~~base flood level~~ flood protection grade increases risks to life and property.

4.7 Flood Hazard Area (FH-OL) (cont.)

5. Appeal and Variance Reporting: The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (see also Section 4.7(N)(4)). The Floodplain Administrator will also maintain a record of all variance actions, including justification for their issuance. ~~All variance actions, including justification for their issuance, shall be included in the community's biennial report submission to the Federal Emergency Management Agency.~~

RESOLUTION NO. _____, 2014

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
COLUMBUS TO AMEND SPECIFIC CAPITAL IMPROVEMENT PROJECTS
AS THE AMENDED 2014 CAPITAL BUDGET FOR PARKS AND RECREATION**

WHEREAS, on October 1, 2013, the Common Council of the City of Columbus (the "Council") adopted Ordinance 20-2013 approving Appropriations and Tax Rates for 2014 (the "2014 Budget");

WHEREAS, pursuant to Columbus City Ordinance 3.08.030 and 3.08.040, the Mayor after receiving input from the City's Capital Improvements' Committee put forth a Capital Budget for 2014 by designating the projects, an estimated cost, and the source from which funds are available;

WHEREAS, the Council previously designated specific capital improvement projects as the Capital Budget for 2014;

WHEREAS, the actual expenditures for the approved 2014 capital improvement projects have been lower than projected creating available capital funding for additional capital improvement projects for 2014;

WHEREAS, the Council desires to designate the specific capital improvement projects in description and amount as designated and set forth on attached Exhibit "A" as the Amended Capital Budget for 2014 for the Parks and Recreation Department;

WHEREAS, the Council recognizes that the individual project costs set forth in Exhibit "A" are estimates only and shall not serve as a cap on the individual project should actual project costs be higher than originally estimated;

WHEREAS, the Council recognizes that the Amended Capital Budget for 2014 for the Parks and Recreation Department is subject to available appropriations whether as part of the 2014 Budget or required additional appropriations where necessary; and

WHEREAS, the Amended Capital Budget for 2014 for the Parks and Recreation Department as set forth in Exhibit "A" shall be considered an addendum to the 2014 Budget pursuant to Columbus City Ordinance 3.08.030.

NOW THEREFORE BE IT RESOLVED BY THE COLUMBUS COMMON COUNCIL THAT the capital improvement projects included in Exhibit "A" in description and amount are hereby adopted as the Amended Capital Budget for 2014 for the Parks and Recreation Department pursuant to Columbus City Ordinance 3.08.030 and considered an addendum to the 2014 Budget.

NOW THEREFORE BE IT FURTHER RESOLVED BY THE COLUMBUS COMMON COUNCIL THAT additional approval from Council for any of the designated capital improvement projects identified in the attached Exhibit "A" is required

prior to the expenditure of any funds should the actual cost of that specific project identified in Exhibit "A" herein exceed the greater of i) 105% of the estimated project cost or ii) the estimated project cost plus \$5,000.

ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA, on this the ____ day of _____, 2014, by a vote of ____ ayes and ____ nays.

Kristen S. Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Luann Welmer
Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana, this ____ day of _____, 2014 at _____ o'clock _____.M.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this ____ day of _____, 2014, at _____ o'clock _____.M.

Kristen S. Brown
Mayor of the City of Columbus, Indiana

2014 Priority Capital and Equipment				Remaining 2014 Capital and Equipment Prioritized			
Priority Equipment			Expended		Budget	Quote	
Topliner	\$18,000.00	Approved	\$14,263.00	Utility Cart #1	\$15,000.00	\$14,900.00	
16' Mower	\$77,000.00	Approved	\$59,758.30	Lincoln Park			
Walker Mower	\$9,500.00	Approved	\$8,961.00	Batting Cage Refurbishment #2	\$15,000.00	\$12,927.70	
Trim Mower	\$22,000.00	Approved	\$18,888.74	Park Operations			
Tractor with Loader	\$40,000.00	Approved	\$34,929.18	Replacement of Light Fixtures #3	\$20,000.00	\$6,655.00	
Aerator	\$30,000.00	Approved	\$30,187.76	Replacement of Water Heater and Pumps #4	\$6,500.00		
Sub Tot	\$196,500.00		\$166,987.98	Airport Storage			
				Heater Replacement #6	\$6,000.00		
				Electrical Upgrade #5	\$7,500.00		
Priority Projects							
Donner							
Window Replacement	\$25,000.00	Approved	\$25,214.13				
Painting in the Pool Area	\$15,000.00	Approved	\$12,550.00	Additional \$400,000 appropriation list	Budget	Quote	Revision
FY				Ice Resurfacer	\$110,000.00	\$107,715.00	
Replacement of HVAC system	\$70,000.00	Approved	\$64,215.00	Playground Replacement at Clifty	\$90,000.00		
Lincoln Park				Pickle Ball Reconstruction	\$11,700.00	\$26,280.00	\$27,000.00
Scoreboard Replacement	\$35,000.00	Approved	\$31,775.00	Pickle Ball Fencing	\$2,000.00	\$6,642.27	\$7,000.00
				Donner Fence Replacement	\$30,000.00	\$29,884.56	
				Tennis Court Resurface	\$98,500.00	\$93,790.00	
				West Parking Lot Curb	\$29,730.00	\$28,400.00	
				Landscape and Irrigation	\$13,000.00		
Sub Tot	\$145,000.00		\$133,754.13				
Annual Projects							
Overlay/ Seal Coat/ Striping	\$18,500.00	Approved	\$17,875.00				
Court Resurfacing and Restriping	\$34,000.00	Approved	\$8,400.00				
Picnic Tables Replacement	\$5,500.00	Approved	\$5,407.00				
Replacement of Drinking Fountains	\$5,000.00	Approved	\$3,445.00				
Sub Tot	\$63,000.00		\$35,127.00				
Misc. Projects							
Donner Center							
Exhaust System	\$9,000.00	Approved	\$5,216.00				
Donner Pool							
ADA Chair and Pool Furniture	\$11,000.00	Approved	\$10,403.20				
Clifty Park							
Skate Park	\$10,000.00	Approved	\$6,165.02				
Sub Tot	\$30,000.00		\$21,784.22				
Total	\$434,500.00		\$357,653.33				